

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74590

Filippos Filippakis
3205 Hamilton Avenue
Baltimore MD 21214

7625 German Hill Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 18, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 415.2.B, failure to remove trailer from site, non-permitted trailer use on residential property zoned BL known as 7625 German Hill Road, 21222.

On April 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,000.00 (seven thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 23, 2010 for removal of trailer from this commercial property site. This Citation was issued on April 28, 2010.

B. Photographs in the file show a large recreational vehicle trailer, with a double axle chassis and designed to be towed, parked in the parking lot of this commercial property. Notes in the file state that the property is used as a restaurant, and is zoned B.L. (Business-Local).

C. Inspector Jerry Chen's notes in the file state that he met with the manager on site on March 22, 2010 and found the recreational camper trailer parked in a corner of the parking lot. The manager advised that the trailer is used as an office by the night time security guard. The manager showed Inspector Chen a Baltimore County temporary trailer permit, issued January 13, 2010.

D. Inspector Chen reviewed the permit with Departmental staff and sent Respondent a letter dated March 23, 2010 notifying him that the temporary trailer permit "was issued in error." The letter further stated,

"Per a conversation with the manager/owner on site, the recreational trailer is used as an office for the nighttime security personnel. Unfortunately, the BL zoning designation for your restaurant does not permit this type of storage or trailer use. I apologize for the inconvenience this may cause but effective immediately, trailer permit no. 19, for 7625 German Hill Road, Baltimore MD 21222 is hereby rescinded. Please take appropriate actions to remove the trailer by April 12, 2010."

Respondent contacted Inspector Chen on April 21, 2010, and stated that he was applying for a zoning variance and requested an extension of time. Inspector Chen waited a week, determined that no application had been made, and issued this Citation. Re-inspection on May 17, 2010 found the recreational camper trailer still parked on the premises.

E. Review of the file shows that Respondent applied for a temporary occupancy permit for the trailer, to be used for "office for security," and was granted the permit. However, the permit should not have been issued because this trailer use is barred by the County's zoning regulations. Business or industrial use of trailers is prohibited except for specific uses including as a temporary use during a construction period, or as a continuing use for a sales office in connection with a limited list of outdoor retail sales areas. BCZR Section 415.2, Section 415.6. The permit should not have been issued, and the Department was correct to revoke the permit. The trailer must be removed from the property.

F. Because Respondent obtained a permit, it would be unreasonable to impose a civil penalty for this zoning violation unless Respondent fails to correct the violation. Therefore the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the trailer is removed by July 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property or may be collected in the same manner as any civil money judgment or debt may be collected.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer